

Amendment in Reply to Final Office Action of January 21, 2009
and the Advisory Action of April 2, 2009

REMARKS

This Amendment is being filed in response to the Final Office Action mailed January 21, 2009, and the Advisory Action of April 2, 2009 which have been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 15-23 remain in this application. Claims 1-14 have been canceled without prejudice, and claims 15-23 have been added. Claims 1 and 22 are independent.

In the Final Office Action, the Examiner indicated that FIG 1 should be labeled Prior Art. In response, FIG 1 has been amended to include the legend --Prior Art--. A replacement sheet including FIG 1 is enclosed. Applicants respectfully requests approval of the enclosed proposed drawing changes.

In the Final Office Action, the Examiner objected to claims 2-3 for certain informalities. The cancellation of claims 2-3

renders moot this rejection with regard to these claims.

In the Final Office Action, claims 1-6 and 14 are rejected under 35 U.S.C. §112, first and second paragraphs. The cancellation of claims 1-6 and 14 renders moot these rejections with regard to these claims.

In the Final Office Action, claims 1-2, 4-6 and 14 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,510,163 (Sullivan). Claim 3 is rejected under 35 U.S.C. §103(a) over Sullivan in view of U.S. Patent Application Publication No. 2003/0012562 (Lawandy). It is respectfully submitted that claims 15-23 are patentable over Sullivan and Lawandy for at least the following reasons.

Sullivan is directed to an optical recording medium for storing data and having a visible logo on a read side of the medium for providing some anti-counterfeiting protection. As shown in FIG 1, a logo coating 14 is provided on a top or read side of a substrate 10. A recording coating 6 is provided on the bottom side of the substrate 10. A similar optical recording medium is shown in FIG 8.

Lawandy is directed to a method and apparatus for providing markings upon objects, including the read side of an optical information media, where the markings do not substantially interfere with object.

It is respectfully submitted that Sullivan and Lawandy, alone or in combination, do not teach or suggest the present invention as recited in independent claim 15 which, amongst other patentable elements, recites (illustrative emphasis provided):

a transparent layer at one side of the optical disc, the transparent layer comprising two label material layers, the two label material layers including different label materials having different absorption spectra for affecting reflection or absorption using laser beams at different wavelengths;

a mixed label layer at another side of the optical disc, the mixed label layer comprising label material dispersed in a substrate.

Sullivan, Lawandy, and combination thereof do not disclose or suggest a transparent layer on one side of a disc and a mixed label layer at another side of the optical disc, where the transparent layer comprises two label material layers with different label materials having different absorption spectra for affecting reflection or absorption using laser beams at different

wavelengths, as recited in independent claim 15.

Further, Sullivan, Lawandy, and combination thereof do not disclose or suggest "a laser beam producing unit configured to illuminate the label layer with a label beam having a spot size which is approximately ten time larger than a spot size of a writing or reading laser beam for writing or reading data from a data layer of the optical disc," as recited in independent claim 22. (Illustrative emphasis provided)

Accordingly, it is respectfully submitted that independent claims 15 and 22 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 16-21 and 23 should also be allowed at least based on their dependence from amended independent claim 1.


In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

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should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Enclosure: Replacement drawing sheet (1 sheet including FIG 1)

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